



U. S. Department of Justice

cc.

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

~~SECRET~~

December 23, 2004

The Honorable Orrin G. Hatch  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

In accordance with Sections 1826, 1846, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning physical searches conducted under the Act, all requests for pen register and trap and trace surveillance, and all requests for access to certain business records (including the production of tangible things) under the Act. These reports cover the period January 1, 2004 through June 30, 2004.

Sincerely,

*William E. Moschella*  
William E. Moschella  
Assistant Attorney General

Attachments

cc: The Honorable Patrick Leahy  
Ranking Minority Member

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UNCLASSIFIED WHEN ATTACHMENTS ARE REMOVED



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Washington, D.C. 20530

~~TOP SECRET//COMINT//NOFORN//X1~~

December 23, 2004

The Honorable Peter Hoekstra  
Chairman  
Permanent Select Committee on Intelligence  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

In accordance with Sections 1808(a), 1826, 1846, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning electronic surveillances and physical searches conducted under the Act, all requests for pen registers and trap and trace surveillance, and all requests for access to certain business records (including the production of tangible things) under the Act. These reports cover the period January 1, 2004 through June 30, 2004.

Sincerely,

William E. Moschella  
Assistant Attorney General

Attachments

cc: The Honorable Jane Harman  
Ranking Minority Member

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~~TOP SECRET//COMINT//NOFORN//X1~~

December 23, 2004

The Honorable Pat Roberts  
Chairman  
Senate Select Committee on Intelligence  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

In accordance with Sections 1808(a), 1826, 1846, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning electronic surveillances and physical searches conducted under the Act, all requests for pen registers and trap and trace surveillance, and all requests for access to certain business records (including the production of tangible things) under the Act. These reports cover the period January 1, 2004 through June 30, 2004.

Sincerely,

William E. Moschella  
Assistant Attorney General

Attachments

cc: The Honorable John D. Rockefeller  
Vice Chairman

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Washington, D.C. 20530

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December 23, 2004

The Honorable F. James Sensenbrenner, Jr.  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

In accordance with Sections 1826, 1846, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning physical searches conducted under the Act, all requests for pen register and trap and trace surveillance, and all requests for access to certain business records (including the production of tangible things) under the Act. These reports cover the period January 1, 2004 through June 30, 2004.

Sincerely,

William E. Moschella  
Assistant Attorney General

Attachments

cc: The Honorable John Conyers, Jr.  
Ranking Minority Member

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Classified by: ASW

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Date: 18 March 2014

**Section 1: Introduction (U)**

This report is submitted pursuant to Sections 108(a), 306, 406, and 502 of the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801-1811, 1821-1829, 1841-1846, and 1861-1862. It covers all electronic surveillance, physical searches, and pen register/trap and trace surveillance, and requests for access to certain business records for foreign intelligence purposes conducted under the ~~Act by the Federal Bureau of Investigation (FBI) and~~ electronic surveillance conducted by the National Security Agency (NSA), during the period January 1, 2004 through June 30, 2004. (U)

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(b) (1), (b) (7)(E)

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Out of scope/non-responsive

D. Emergency Surveillance or Physical Search (U)

During this reporting period, the Attorney General (or Deputy Attorney General or Acting Attorney General) authorized emergency electronic surveillance and/or physical search pursuant to 50 U.S.C. § 1805(f) and/or § 1824(e) Out of scope/ These emergency authorizations resulted in Out of scope/non-responsive

~~Applications or other appropriate pleadings were filed with the FISC within 72 hours of each emergency authorization (for electronic surveillance and/or physical search applications), or within 48 hours (for the one~~

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pen register/trap and trace application).<sup>9</sup> The FISC approved all of the applications and/or accepted the other pleadings.  
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G. Pen Register/Trap and Trace Surveillance (U)

The United States filed 119 applications with the FISC seeking authorization for the FBI and/or the National Security Agency to conduct pen register/trap and trace surveillance, pursuant to 50 U.S.C. §§ 1841-1846, as amended. The FISC approved all 119 applications. There were 58 United States persons who were the targets of pen register/trap and trace surveillance.<sup>10</sup>

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<sup>10</sup> As has been the practice in the past several reports, this report does not include thumbnail descriptions of U.S. person targets of pen register/trap and trace surveillance. The Department notes, however, that all applications for pen register/trap and trace surveillance concerning U.S. persons contain a statement describing the factual circumstances demonstrating to the FISC why the related foreign counterintelligence investigation is not based solely on activities protected by the First Amendment to the Constitution, in accordance with FISA. (S)

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United States person. Five proposed orders seeking authorization for pen register/trap and trace surveillance were modified by the FISC. (S)

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Incident 04-1-3 (U)  
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Incident 04-1-4 (U)  
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Incident 04-1-13 (U)

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Incident 04-1-18 (U)  
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Incident 04-1-22 (U)  
(b) (1), (b) (7)(E)

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Incident 04-1-23 (U)  
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